

Calendar No. 1060

68TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ No. 1002

OVERTIME NAVY YARD CLAIMS

FEBRUARY 3 (calendar day, FEBRUARY 5), 1925.—Ordered to be printed

Mr. BROOKHART, from the Committee on Claims, submitted the following

REPORT

[To accompany S. 2131]

The Committee on Claims, to whom was referred the bill (S. 2131) for the allowance of certain claims for extra labor above the legal day of eight hours at certain navy yards certified by the Court of Claims, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendments:

On page 41, after line 4, insert "Daniel Sullivan, \$82.20."

On page 42, line 10, strike out the initials "V. D." and insert "D. V."

On page 57, line 13, strike out the initial "D" and insert "H."

On page 64, line 9, strike out the figures "\$30.74" and insert the figures "\$308.74."

On page 74, line 20, strike out the figures "\$445.15" and insert the figures "\$455.15."

On page 88, after line 6, insert the following:

SEC. 2. That no part of the amount of any item appropriated in this bill in excess of 15 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys on account of services rendered or advances made in connection with said claim.

It shall be unlawful for any agent or agents, attorney or attorneys to exact, collect, withhold, or receive any sum which in the aggregate exceeds 15 per centum of the amount of any item appropriated in this bill on account of services rendered or advances made in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

These claims all accrued between March 21, 1878, and September 22, 1882. Each claim covered by the bill has been passed upon by the Court of Claims, to which they were referred in 1909 and subsequently.

They arose from the issuance of the following order by the Secretary of the Navy on March 21, 1878:

NAVY DEPARTMENT,
Washington, D. C., March 21, 1878.

The following is hereby substituted for the circular of October 25, 1877, in relation to the working hours at the several navy yards and shore stations:

The working hours will be, from March 21 to September 21, from 7 a. m. to 6 p. m.; from September 22 to March 20, from 7.40 a. m. to 4.30 p. m., with the usual intermission of one hour for dinner. The department will contract for the labor of mechanics, foremen, leading men, and laborers on the basis of eight hours a day. All workmen electing to labor 10 hours a day will receive proportionate increase of their wages. The commandant will notify the men employed, or to be employed, of these conditions, and they are at liberty to continue or accept employment under them or not.

R. W. THOMPSON,
Secretary of the Navy.

In all cases of this class included in the present bill the claimant elected to work 10 hours each day, and the Court of Claims has found the rate of wages they were receiving, the number of extra hours each man worked over eight hours per day, and the amount he is entitled to receive.

No provision was made by which these workmen could secure relief until the claims were referred to the Court of Claims for findings of fact.

The facts of each case are approved by the records of the Government, and there is no reason apparent why the promise of the Secretary of the Navy to these men should not be kept, as the Government received the benefit of the extra labor for which it is now proposed to pay.

The claims of this class contained in the bill as introduced and reported number 1,342 separate claims, and the aggregate amount proposed to be appropriated is \$324,568.21.

The distribution by States of these awards of the Court of Claims in these cases is as follows:

	Overtime claims
California.....	\$15, 750. 59
District of Columbia.....	79, 595. 01
Florida.....	14, 001. 31
Maryland.....	51. 50
Massachusetts.....	54, 660. 25
New Hampshire.....	90, 095. 86
New York.....	22, 271. 47
Pennsylvania.....	33, 775. 76
Rhode Island.....	901. 56
Virginia.....	13, 464. 90
Total.....	324, 568. 21

PRESIDENT TAFT'S MESSAGE

In this connection the committee would call special attention to the message of President Taft on December 6, 1910, in which he said:

I invite the attention of Congress to the great number of claims which, at the instance of Congress, have been considered by the Court of Claims and decided to be valid claims against the Government. The delay that occurs in the payment of the money due under the claims injures the reputation of the Government as an honest debtor, and I earnestly recommend that those claims which come to Congress with the judgment and approval of the Court of Claims should be promptly paid.

These claims having been passed upon by the Court of Claims, and being embraced in the class of claims contained in the recommendation of President Taft, above mentioned, your committee feels that it is only just that they be paid, and it is therefore recommended that the bill do pass as amended.

Congress has from time to time favorably approved these claims, as will be seen from extracts of previous reports presented in connection with bills providing for the payment of claims based upon Court of Claims findings:

[Senate Report No. 603, Sixty-first Congress, second session]

*

*

*

*

*

*

*

NAVY-YARD OVERTIME AND OTHER CLAIMS

The third subdivision of the bill is largely made up of claims for payment for extra labor above the legal day of eight hours at the several navy yards of the United States and of claims for the difference between sea pay and shore pay, commonly known as "receiving-ship claims." Every claim in these two classes has been allowed, as the claimants in each class stand on substantially the same equities. The amounts found by the court range from less than \$1 to several hundred dollars.

NAVY YARD OVERTIME CLAIMS

The claimants whom it is proposed to pay for overtime work were employed at the several navy yards between the 21st day of March, 1878, and the 22d day of September, 1882. While they were so employed the following order was in force:

[Circular No. 8]

NAVY DEPARTMENT,
Washington, March 21, 1878.

The following is hereby substituted, to take effect from this date, for the circular of October 25, 1877, in relation to the working hours at the several navy yards and shore stations:

The working hours will be: From March 21 to September 21, from 7 a. m. to 6 p. m.; from September 22 to March 20, from 7.40 a. m. to 4.30 p. m., with the usual intermission of one hour for dinner.

The department will contract for the labor of mechanics, foremen, leading men, and laborers on the basis of eight hours a day. All workmen electing to labor 10 hours a day will receive a proportionate increase of their wages.

The commandants will notify the men employed or to be employed of these conditions, and they are at liberty to continue or accept employment under them or not.

R. W. THOMPSON,
Secretary of the Navy.

Notwithstanding the terms of the order, those who labored in excess of eight hours a day were paid for only eight hours' work. In accepting or continuing employment under the order they had every reason to expect payment for overtime, and unquestionably they were entitled to such payment. The court has carefully computed the additional amount that is due each claimant for the extra labor he has performed, and the committee recommend that these amounts be now paid.

The bill of this Congress, S. 7971, passed the Senate, and the House Committee on Claims, in reporting the bill back to the House, has this to say with respect to navy-yard claims:

The committee has carefully examined the navy-yard overtime and other claims as passed by the Senate in accordance with the findings of facts and amounts due as reported by the Court of Claims to the Senate, and report same favorably without amendment. These claims are fully explained in the Senate report accompanying this bill (61st Cong., 2d sess., S. Rept. 603, pp. 3, 4), and it is unnecessary for this committee to further enlarge on the subject. (H. Rept. No. 2148, 61st Cong., 3d sess.)

There is also submitted a report by the Committee on Claims of the Sixty-third Congress (S. Rept. 680), which is appended hereto and made a part of this report. This bill, S. 6120, also passed the Senate.

[Senate report No. 680, Sixty-third Congress, second session]

The Committee on Claims, to whom was referred the bill (S. 5489) making appropriations for payment of certain claims in accordance with findings of the Court of Claims reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

Amend the title so as to read: "A bill for the allowance of certain claims reported by the Court of Claims."

The bill reported is in lieu of S. 5489.

This bill has for its general object the payment of two classes of claims against the Government, as follows:

1. Claims for overtime due employees in United States navy yards.
2. Claims of Army officers for additional pay, being the difference between pay received by them and the pay to which they were legally entitled under construction of law by the Supreme Court. These claims are commonly termed "longevity pay" claims.

The claims of these classes were favorably reported by the Committee on Claims in the Sixty-second Congress (S. Rept. No. 770, 62d Cong., 2d sess.) and passed the Senate in H. R. 19115. They therefore have once had the approval not only of the Committee on Claims but of the Senate as well.

The nature of each class of these claims will be briefly set forth herein.

NAVY-YARD OVERTIME CLAIMS

These claims all accrued between March 21, 1878, and September 22, 1882. Each claim covered by the bill has been passed upon by the Court of Claims, to which they were referred in 1909 and subsequently.

They arose from the issuance of the following order by the Secretary of the Navy on March 21, 1878:

NAVY DEPARTMENT,
Washington, D. C., March 21, 1878.

The following is hereby substituted for the circular of October 25, 1877, in relation to the working hours at the several navy yards and shore stations:

The working hours will be, from March 21 to September 21, from 7 a. m. to 6 p. m.; from September 22 to March 20, from 7.40 a. m. to 4.30 p. m., with the usual intermission of one hour for dinner. The department will contract for the labor of mechanics, foremen, leading men, and laborers on the basis of eight hours a day. All workmen electing to labor 10 hours a day will receive a proportionate increase of their wages. The commandant will notify the men employed, or to be employed, of these conditions, and they are at liberty to continue or accept employment under them or not.

R. W. THOMPSON, *Secretary of the Navy.*

In all the cases of this class included in the present bill the claimants elected to work 10 hours each day, and the Court of Claims has found the rate of wages they were receiving, the number of extra hours each man worked over eight hours per day, and the amount he is entitled to receive.

No provision was made by which these workmen could secure relief until the claims were referred to the Court of Claims for findings of fact.

The facts of each case are proved by the records of the Government, and there is no reason apparent why the promise of the Secretary of the Navy to these men should not be kept, as the Government received the benefit of the extra labor for which it is now proposed to pay.

The claims of this class contained in the bill as introduced and amended number 1,342 separate claims, and the aggregate amount proposed to be appropriated is \$314,640.87.

* * * * *